

June 7, 2005



Marlene H. Dortch
Secretary
Federal Communications Commission
TW-A325
445 12th Street, SW
Washington, DC 20554

Re: Notice of Ex Parte Presentation
Docket No. 99-25

Dear Ms. Dortch:

On June 6, 2005, Harold Feld, Senior Vice President, Media Access Project, Jennifer Scher, Intern, Media Access Project, and Gloria Tristani, Managing Director of the Office of Communication of the United Church of Christ, Inc., met with Catherine Bohigian, Media Advisor to Chairman Martin, regarding the above captioned docket.

Mr. Feld affirmed that the six month freeze period, which is adopted in the Commission's *Second Order on Reconsideration and Further Notice of Proposed Rulemaking*, FCC 05-75, released March 17, 2005 ("*Second Order*"), does not begin to run until the *Second Order* appears in the Federal Register. Mr. Feld noted that the *Second Order* still has not appeared in the Federal Register, more than two and a half months after its release date and, as a result, the comment period has not yet begun. If the six month freeze were to begin upon the *Second Order* release date, rather than the date of publication in the Federal Register, expiration of the freeze could occur prior to the end of the comment period.

Mr. Feld restated the importance of a complete freeze on all applications, as initially requested by Petitioner in the *Emergency Petition for Freeze On Pending FM Translator Applications*, released March 9, 2005 ("*Petition*"). Furthermore, Mr. Feld requested an extension to the six month freeze enacted in the *Second Order*. However, Mr. Feld recognized the potential hardship the complete freeze might have on innocent applicants. Although Mr. Feld maintained that a complete freeze is necessary to investigate the rules governing the application window and protect the public interest, Mr. Feld suggested, if necessary, to modify the freeze in order to prevent hardship to those innocent applicants who filed ten or less applications.

Mr. Feld and Ms. Tristani requested resolution of the allegation that Gloria Tristani violated the *ex parte* rules, as made in footnote 2 of the *Emergency Motion to Dismiss*, released March 14, 2005 ("*Motion to Dismiss*"). Mr. Feld suggested that the Commission's General Counsel resolve this matter under *ex parte* rules by filing a letter response regarding the accusation. Mr. Feld and Ms. Tristani expressed a desire to see this issue resolved quickly, especially given Ms. Tristani's status as

former FCC Commissioner and the egregious nature of allegations in the *Motion to Dismiss*.

In accordance with Section 1.1206(b), 47 C.F.R § 1.1206, this letter is being filed electronically with your office today.

Respectfully Submitted,

Harold Feld
Senior Vice President
Media Access Project